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7
8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

* * *

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 vs.

13 LINDA LIVOLSI,

14 Defendant.
15

2:10-cr-578-PMP-GWF

**STIPULATION TO CONTINUE
MOTION DEADLINES AND TRIAL
DATES**

(First Request by New Counsel)

16 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United
17 States Attorney, and J. Gregory Damm, Assistant United States Attorney, counsel for the United
18 States of America, and Rene L. Valladares, Federal Public Defender, and Monique Kirtley, Assistant
19 Federal Public Defender, counsel for defendant LINDA LIVOLSI, that the calendar call currently
20 scheduled for October 30, 2013, at the hour of 9:30 a.m., be vacated and the trial currently scheduled
21 for November 5, 2013, at the hour of 9:00 a.m., be vacated and set to a time and date convenient to
22 this court. However, in no event earlier than one hundred and eighty (180) days.

23 IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to and
24 including March 12, 2014, by the hour of 4:00 p.m., within which to file any and all pretrial motions
25 and notice of defense.

26 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall
27 have to and including March 26, 2014, by the hour of 4:00 p.m., within which to file any all
28 responsive pleadings.

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall
2 have to and including April 2, 2014, by the hour of 4:00 p.m., within which to file any and all replies
3 to dispositive motions.

4 This Stipulation is entered into for the following reasons:

5 1. Undersigned defense counsel was newly appointed to represent Ms. Livolsi on
6 September 30, 2013. Defense counsel has not had adequate time to review the discovery, which is
7 voluminous, with the defendant.

8 2. The defendant is not incarcerated and does not object to the continuance.

9 3. The parties agree to the continuance.

10 4. The additional time requested herein is not sought for purposes of delay, but merely
11 to allow counsel for defendant sufficient time within which to be able to effectively and complete
12 investigation of the discovery materials provided.

13 5. Additionally, denial of this request for continuance could result in a miscarriage of
14 justice. The additional time requested by this Stipulation is excusable in computing the time within
15 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States
16 Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A), considering
17 the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

18 This is the first request to continue motion and trial dates filed herein.

19 DATED this 17th day of October, 2013.

20
21 RENE L. VALLADARES
Federal Public Defender

DANIEL G. BOGDEN
United States of America

22 /s/ Monique Kirtley

/s/ J. Gregory Damm

23 By: _____
MONIQUE KIRTLEY
Assistant Federal Public Defender
24 Counsel for Linda Livolsi

By: _____
J. GREGORY DAMM
Assistant United States Attorney
Counsel for the Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

2:10-cr-578-PMP-GWF

Plaintiff,

FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER

vs.

LINDA LIVOLSI,

Defendant.

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Undersigned defense counsel was newly appointed to represent Ms. Livolsi on September 30, 2013. Defense counsel has not had adequate time to review the discovery, which is voluminous, with the defendant.

2. The defendant is not incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and complete investigation of the discovery materials provided.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excusable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity

1 within which to be able to effectively and thoroughly prepare for trial, taking into account the
2 exercise of due diligence.

3 The continuance sought herein is excusable under the Speedy Trial Act, title 18, United
4 States Code, Section 3161(h)(1)(A), 3161(h)(7) and Title 18 United States Code, §§ 3161 (h)(7)(A),
5 when the considering the facts under Title 18, United States Code, §§ 3161(h)(7)(B)(i) and
6 3161(h)(7)(B)(iv).

7 **ORDER**

8 IT IS THEREFORE ORDERED that the parties herein shall have to and including March
9 12, 2014, by the hour of 4:00 p.m., within which to file any and all pretrial motions and notice of
10 defense.

11 IT IS FURTHER ORDERED that the parties shall have to and including March 26, 2014,
12 by the hour of 4:00 p.m., within which to file any all responsive pleadings.

13 IT IS FURTHER ORDERED that the parties shall have to and including April 2, 2014, by
14 the hour of 4:00 p.m., within which to file any and all replies to dispositive motions.

15 IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions, proposed jury
16 instructions, and a list of the Government's prospective witnesses must be electronically submitted
17 to the Court by the ____ day of _____, 2014, by the hour of 4:00 p.m.

18 IT IS FURTHER ORDERED that the calendar call currently scheduled for October 30, 2013,
19 at the hour of 9:30 a.m., be vacated and continued to _____ at the hour of ____:____
20 ____m.; and the trial currently scheduled for November 5, 2013, at the hour of 9:00 a.m., be vacated
21 and continued to _____ at the hour of ____:____ __m.

22 DATED ____ day of October, 2013.

23
24 UNITED STATES DISTRICT JUDGE